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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HENRY, on behalf of  
himself, all others similarly situated,  
and the general public,  
Plaintiff,

vs.

HOME DEPOT U.S.A., INC., a  
Delaware corporation; and DOES 1-  
50, inclusive,

Defendants.

Case No. C 14-04858 JST

[Assigned to the Honorable Jon S. Tigar  
for All Purposes]

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE HEARING  
DATE ON DEFENDANT'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

1 Plaintiff Michael Henry ("Plaintiff") and defendant Home Depot U.S.A., Inc.  
2 ("Defendant") (collectively, the "Parties"), by and through their undersigned counsel of  
3 record, stipulate and represent as follows:

4 1. On September 10, 2015, defendant filed a motion for partial summary  
5 judgment ("motion") as to plaintiff's unpaid overtime claim.

6 2. The hearing on this motion is currently set for October 15, 2015 at 2:00  
7 p.m. in Courtroom 9.

8 3. Plaintiff desires to take additional discovery, including the depositions of  
9 several witnesses, in order to oppose defendant's motion. Due to a number of  
10 scheduling conflicts, and the fact that all of the depositions require out-of-town travel by  
11 plaintiff's counsel, defendant's counsel, or both, this discovery cannot be completed  
12 until October 30, 2015.

13 4. The parties have not previously requested a continuance of any date in this  
14 matter.

15 NOW, THEREFORE, plaintiff and defendant hereby stipulate and agree as  
16 follows:

17 1. That the hearing on defendant's motion, currently set for October 15, 2015  
18 be continued to December 10, 2015 at 2:00 p.m. in Courtroom 9 of this Court.

19 2. That plaintiff's opposition to defendant's motion shall be due on November  
20 5, 2015, and defendant's reply shall be due November 12, 2015.

21  
22 Dated: October 1, 2015

AKIN GUMP STRAUSS HAUER & FELD, LLP

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25 By /s/Donna Mezas  
26 Donna M. Mezas  
27 Attorneys for Defendant Home Depot U.S.A., Inc.  
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1 Dated: October 1, 2015

2  
3 By /s/ Shaun Setareh  
4 Shaun Setareh  
Attorneys for Plaintiff Michael Henry

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6  
7 **IT IS HEREBY ORDERED** that the hearing on defendant's motion for  
8 summary judgment, currently scheduled for 2:00 p.m. on October 15, 2015, shall be  
9 continued to December 10, 2015, at 2:00 p.m. Plaintiff's opposition to this motion  
10 shall be due on November 5, 2015, and defendant's reply shall be due on November 12,  
11 2015.

12  
13 Dated: October 5, 2015

